

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:23-cv-00046-MR-WCM**

ALWINA FYKES, individually, on
her own behalf and on behalf of
all others similarly situated,

Plaintiff,

vs.

HALLELUJAH ACRES, Inc.,
a North Carolina corporation; and

DOES 1 – 10,

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte*.

On May 1, 2024, the Court ordered Alwina Fykes (“Plaintiff”) to show good cause why this matter should not be dismissed for her failure to prosecute because more than thirty days had passed since the discovery deadline and Plaintiff had not taken further action. [See Doc. 12].

On May 15, 2024, Plaintiff responded to the Court’s Show Cause Order, stating that she has been actively pursuing discovery from Defendant Hallelujah Acres, Inc. (“Hallelujah Acres”), and third parties, Google, LLC, and 317 Labs, Inc. d/b/a Emotive (“Emotive”). [Doc. 13 at 1]. However,

Plaintiff states that neither Hallelujah Acres, its president Paul Malkmus, nor Emotive have responded to her discovery requests. [Id. at 2]. Thus, she requests that the Court extend the discovery deadline. [Id. at 3].

Plaintiff further explained that to obtain discovery from Emotive she needs to file a motion to compel in the United States District Court for the Central District of California, but under that court's local rules, she cannot do so until she meets and confers with Emotive, or, alternatively, until a period set by the local rules passes. [Id. at 2]. Plaintiff represents that Emotive has not responded to her efforts to meet and confer, but she believes that discovery will ultimately prove fruitful. [Id.].

In light of Plaintiff's response, the Show Cause Order will be discharged and the discovery deadline in this matter will be extended through and including ninety (90) days from the date of the entry of this Order. However, Plaintiff shall file regular status reports every thirty (30) days regarding her efforts to obtain discovery. Moreover, absent Plaintiff's demonstration of extenuating circumstances, the Court does not anticipate that additional extensions of the discovery deadline will be forthcoming.

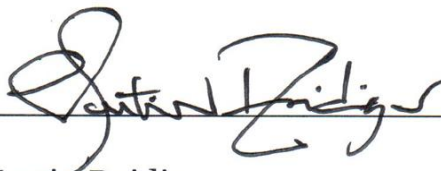
IT IS, THEREFORE, ORDERED that:

- (1) the Show Cause Order [Doc. 12] is **DISCHARGED**;

- (2) the discovery deadline is extended through and including ninety (90) days from the date of the entry of this Order;
and
- (3) Plaintiff shall file regular status reports every thirty (30) days regarding her efforts to obtain discovery.

IT IS SO ORDERED.

Signed: May 25, 2024



Martin Reidinger
Chief United States District Judge

